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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,356	03/12/2004	Joseph C. Perin	21204.0165RI	7946
44966 7590 10/27/2010 SULLIVAN & WORCESTER LLP 1666 K Street NW Washington, DC 20006				
EXAMINER COLLINS, MICHAEL				
ART UNIT 3651		PAPER NUMBER		
NOTIFICATION DATE 10/27/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/800,356

Applicant(s)

PERIN ET AL.

Examiner

MICHAEL K. COLLINS

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-64 is/are allowed.
- 6) ☒ Claim(s) 65-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/22)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 65-78 is withdrawn in view of the newly discovered reference(s) to Burr (USP 5,222,624) and further in view of Sedam et al. (USP 4,412,292). Rejections based on the newly cited reference(s) follow.
2. Claims 1-64 are allowed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 65-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burr (USP 5,222,624) and further in view of Sedam et al. (USP 4,412,292).

Regarding claim 65, Burr discloses an instant lottery ticket vending machine comprising:

- a controller (190);
- a customer input device (28);
- at least one storage unit containing instant lottery tickets (96,98);
- an instant lottery ticket dispenser (158) in communication with the controller, the controller independently controlling the instant lottery ticket dispenser to dispense an instant lottery ticket from the at least one storage unit in response to a customer request to purchase an instant lottery ticket received by the customer input device; and
- an alarm produced by the controller in response to deterioration of a state of the instant lottery ticket vending machine (see column 7 lines 25-26).

However, he does not disclose the state being related to the ticket inventory or the cash inventory in the lottery ticket vending machine. Sedam et al. disclose an alarm produced by a controller in response to deterioration of a state being related to inventory and/or the cash inventory of the vending machine (see column 2 lines 44-58). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify Burr by including an alarm produced in response to deterioration of a state, the state being related to the ticket inventory or the cash inventory in the lottery ticket vending machine, as disclosed by Sedam et al., for the purpose of increasing the efficiency of vending machine service calls (see column 1 line 51 of '292).

Regarding claim 66, Burr discloses the instant lottery ticket vending machine of claim 65, wherein the instant ticket dispenser includes a lottery ticket separator (152) in communication with the controller, the lottery ticket separator configured to receive from the at least one storage unit an instant lottery ticket joined to a continuous strip of instant lottery tickets and to separate the lottery ticket from the continuous strip of instant lottery tickets.

Regarding claim 67, Burr in view of Sedam et al. disclose the instant lottery ticket vending machine of claim 65. Furthermore, Sedam et al. disclose a vending machine wherein the deterioration of the state of the vending machine occurs when the number stored in the at least one storage unit is less than a predetermined threshold (see column 2 line 3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify Burr by including an alarm produced in response to deterioration of a state, the deterioration of the state of the instant lottery ticket vending machine occurs when the number of instant lottery tickets stored in the at least one storage unit is less than a predetermined threshold, as disclosed by Sedam et al., for the purpose of increasing the efficiency of vending machine service calls (see column 1 line 51 of '292).

Regarding claim 68, Burr in view of Sedam et al. disclose the instant lottery ticket vending machine of claim 67. Furthermore, Sedam et al. disclose a vending machine wherein the predetermined threshold is greater than one and less than the maximum number of instant lottery tickets which can be stored in the at least one storage unit.

Regarding claim 69, Burr in view of Sedam et al. disclose the instant lottery ticket

vending machine of claim 65, further comprising: a network interface in communication with the controller, the controller transmitting the alarm via the network interface (see column 2 lines 44-58).

Regarding claim 70, Burr discloses the instant lottery ticket vending machine of claim 65, further comprising:

- a cash acceptor (22) in communication with the controller.

Furthermore, Sedam et al. disclose a vending machine wherein the deterioration of the state of the instant lottery ticket vending machine occurs when the total value of cash stored by the cash acceptor exceeds a predetermined threshold (see column 3 lines 12-14).

Regarding claim 71, Burr in view of Sedam et al. disclose the instant lottery ticket vending machine of claim 70. Furthermore, Sedam et al. disclose a vending machine wherein the predetermined threshold is less than the maximum amount of cash which can be stored in the cash acceptor.

Regarding claim 72, Burr discloses the instant lottery ticket vending machine of claim 65, further comprising:

- a bill acceptor in communication with the controller, and

Furthermore, Sedam et al. disclose a vending machine wherein the deterioration of the state of the instant ticket vending machine occurs when the number of bills accepted by the bill acceptor exceeds a predetermined threshold.

Regarding claim 73, Burr in view of Sedam et al. disclose the instant lottery ticket vending machine of claim 72, wherein the predetermined threshold is less than the

maximum number of bills which can be stored in the bill acceptor.

Regarding claim 74, Burr discloses a lottery ticket dispensing system for dispensing instant win lottery tickets, comprising:

- a lottery ticket vending machine (10) including
- a controller (190), and
- at least one storage unit (96,98) containing instant win lottery tickets; and
- a host computer (204) located at a different geographic location than the lottery ticket vending machine, the host computer in communication with the controller.

However, he does not disclose the controller sending a fault message towards the host computer when a fault occurs in the lottery ticket vending machine. Sedam et al.

disclose a vending machine with a controller and the controller sending a fault message towards the host computer when a fault occurs in the lottery ticket vending machine (see column 2 lines 59-68). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify Burr by including a controller sending a fault message towards the host computer when a fault occurs in the lottery ticket vending machine, as disclosed by Sedam et al., for the purpose of increasing the efficiency of vending machine service calls (see column 1 line 51 of '292).

Regarding claim 75, Burr discloses the system of claim 74, further comprising: a separator unit (152) configured to separate an instant win lottery ticket from a continuous strip of instant win lottery tickets stored in the at least on storage unit.

Regarding claim 76, Burr in view of Sedam et al. disclose the system of claim 74,

wherein the fault is having fewer than a predetermined number of lottery tickets stored in the at least one storage unit.

Regarding claim 77, Burr in view of Sedam et al. disclose the system of claim 74, further comprising:

- a cash acceptor (22), the cash acceptor in communication with the controller.

Furthermore, Sedam et al. disclose a machine wherein the fault is having more than a predetermined value of cash in the cash acceptor (see column 3 lines 12-14).

Regarding claim 78, Burr in view of Sedam et al. disclose the system of claim 74, further comprising:

- a bill acceptor, the bill acceptor in communication with the controller.

Furthermore, Sedam et al. disclose wherein the fault is having more than a predetermined number of bills in the bill acceptor (see column 3 lines 12-14).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL K. COLLINS whose telephone number is (571)272-8970. The examiner can normally be reached on 8:30 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.K.C.
10/22/2010

/Gene Crawford/
Supervisory Patent Examiner, Art
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